

**MINUTES  
THIRD TAXING DISTRICT  
JUNE 8, 2002**

**ATTENDANCE:** David Brown, Chairman; Stephen Feinstein; Paul Coggin

**OTHERS:** Attorney Larry Dennin, District Counsel; Tim Lyons;  
Gregory Goldstein; Ana Aguilar; Chris Hodgson; Connie DisCala; Jim Dobbs;  
Ray Mitchell

The Chairman called the meeting to order at 7.05pm.

Mr. Feinstein stated that he would like to make two observations, regarding freedom of information, before the first item on the agenda. He said the first point he wished to make concerned the policy passed by this Commission on December 10, 2001. The policy states that the agenda has to be submitted three business days before the meeting and has to be posted by the District Clerk, two business days before the meeting. Mr. Feinstein stated that last week, due to the holiday, the District Office was closed on Thursday and Friday. The agenda items should have been submitted by Monday and posted by Tuesday. Secondly, Mr. Feinstein stated that he had spoken with Ron Scofield and Rachel Garcia and it turns out that the agenda was not posted in the office until 5.30pm, Wednesday (July 3<sup>rd</sup>). Mr. Feinstein stated that the office is closed at 4.30pm and they were not open during the following days, therefore they have not complied with the policy regarding freedom of information under the policy.

**\*\* MR. FEINSTEIN MOVED TO ADJOURN THE MEETING AS AN ILLEGAL MEETING.**

Mr. Coggin asked when the agenda items were posted at the office. Mr. Feinstein replied at 5.30pm on Wednesday. Mr. Coggin confirmed that the time for freedom of information is 24 hours. Mr. Feinstein stated that it has to be posted so that the public can gain access when the offices are open, so posting over a holiday defeats the purpose. Mr. Coggin stated that the State Statute requires 24-hour notice, which they have complied with.

Mr. Brown asked for the opinion of Attorney Dennin who stated that as long as it was posted some time before 7pm on Wednesday then that would satisfy the 24-hour requirement. There was discussion on the time.

Mr. Coggin stated that he agreed with Attorney Dennin and was happy to go forward with the meeting.

Mr. Brown stated that he considered the meeting to have been posted legally and quickly and wanted to go forward with the meeting. Mr. Feinstein stated that he had made a motion to adjourn. Mr. Brown stated that he would not second the motion, as he wanted to go forward with the meeting. Also that they should take the policy home for review on how to work within freedom of information.

### **PUBLIC COMMENT**

Jim Dobbs stated that he would like an explanation of the policy regarding turning off electrical power if the bill is not paid within 30 days. Mr. Brown asked Ms. Aguilar who stated that the notice is included with the bill, however if the bill is not paid then the service will be terminated. Ms. Aguilar stated that that is the policy and has been in place for a number of years. Mr. Dobbs stated that the policy seemed draconian because for \$46 someone just came to turn off the power when nobody was at home. Mr. Dobbs asked the Commission to look at the policy.

Mr. Feinstein stated that the policy was reviewed two years ago and they agreed that the office would call the house to let them know that the power would be disconnected; the meter guys also knock the door to let the resident know what they are about to do.

Mr. Coggin asked Ms. Aguilar if she remembered calling Mr. Dobbs. Ms. Aguilar stated that her co-worker, Rachel had called him and there had been no reply. Mr. Coggin asked if they were instructed to leave a message on a voice mail system. Ms. Aguilar stated that their policy is to call two days before the termination of service and they will try to call throughout the day.

Mr. Dobbs stated that he did not receive a phone call and he asked the Commission to re-examine the policy as his bill is paid through the bank. Also to consider the facts that people may be away on vacation and to have the power turned off could cause severe damage. Mr. Dobbs stated that in other areas if the bill is not paid then interest is added and suggested other penalties.

Mr. Coggin asked for a copy of the policy. Mr. Brown stated that the policy is included in the bill once a year, it is however, in extremely small print.

Mr. Brown thanked Mr. Dobbs for bringing this to their attention.

### **APPROVAL OF THE MINUTES FROM COMMISSION** **MEETING OF JUNE 17, 2002**

- \*\* MR. COGGIN MOVED TO TABLE THE ITEM TO THE NEXT MEETING.**
- \*\* MR. BROWN SECONDED.**
- \*\* MOTION PASSED, TWO VOTES IN FAVOR (MR. BROWN, MR. COGGIN), ONE ABSTENTION (MR. FEINSTEIN).**

### **UPDATE ON SEARCH FOR NEW GENERAL MANAGER**

Mr. Brown stated that they had received approximately six resumes as a result of running an ad in two national magazines for a month. He said that the ads would not be run in July, however he suggested that they be run again in August and then end the search process at the end of August. He asked for comments. Mr. Coggin stated that their budget had been \$5000 to run the ads. He also stated that it should run again in August and asked which magazines the ads would be in. Mr. Brown gave the two names of the magazine and said when he was placing the original ad he had been given the option to put it in an issue just for executives; he suggested that he might take that option when placing the ad in August. Mr. Coggin agreed.

Mr. Feinstein stated that he wished to know how much was left in the budget before running the ad again in August.

- \*\* MR. FEINSTEIN MOVED THAT THE ADS BE RE-RUN IN AUGUST AS PREVIOUSLY DONE FOR THE MONTH OF JUNE ALONG WITH THE EXECUTIVE MAGAZINE AS LONG AS IT STAYS WITHIN THE BUDGET OF \$5000.**

Mr. Brown stated that he would find out the information necessary regarding the budget and he said he would make a decision by phone and it will be part of the 48-hour response to votes taken.

Mr. Brown stated that he wished to suspend the rules to add a new agenda item.

- \*\* MR. BROWN MOVED TO ADD A NEW ITEM TO THE AGENDA – APPROVING THE CONTINUANCE OF THE ADS IN AUGUST FOR A NEW GENERAL MANAGER.**
- \*\* MR. COGGIN SECONDED.**
- \*\* MOTION PASSED TWO VOTES IN FAVOR, (MR. BROWN, MR. COGGIN)**

**ONE VOTE OPPOSED, (MR. FEINSTEIN).**

**\*\* MR. COGGIN MADE A MOTION TO AMEND THE MOTION BY CHANGING THE STATEMENT OF STAYING WITHIN THE BUDGET TO, FOR A SUM NOT TO EXCEED AN ADDITIONAL \$2000**

**\*\* MR. BROWN SECONDED.**

**\*\* MOTION PASSED TWO VOTES IN FAVOR, (MR. BROWN, MR. COGGIN) ONE VOTE OPPOSED, (MR. FEINSTEIN).**

**\*\* MR. BROWN MOVED TO SUSPEND THE RULES TO ALLOW CONNIE DISCALA TO SPEAK.**

**\*\* MR. FEINSTEIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

Ms. DisCala asked if they were looking locally. Mr. Brown stated that the magazines are distributed locally and nationally.

### **UPDATE RE: 51 VAN ZANT STREET STEERING COMMITTEE**

Mr. Coggin stated that John Mola is the Chairman of this Committee and the purpose of the Committee is to look at this building and make sure it is compliant. Mr. Coggin reported that there are ten members on the Committee, the records from the Committee have to be made public. The first meeting was June 27, 2002, Mr. Coggin stated that he was not present; but he had copies of the minutes. Mr. Coggin stated that the meetings will be held on the fourth Tuesday of each month.

### **UPDATE ON EMERGENCY GENERATOR AT ROWAN STREET SUB-STATION**

Mr. Brown asked for Ray Mitchell's comments. Mr. Mitchell stated that the generator cannot go online at any time or long term. Mr. Brown gave a history of the process of obtaining the generator and the benefits to the customers.

### **SELECTION OF NEWSLETTER EDITOR FOR AUGUST, SEPTEMBER AND OCTOBER**

**\*\* MR. FEINSTEIN MOVED THAT MR. BROWN PRODUCE THE NEWSLETTER FOR AUGUST, SEPTEMBER AND OCTOBER.**

**\*\* MR. COGGIN SECONDED.**

**\*\* MOTION PASSED TWO VOTES IN FAVOR (MR. COGGIN, MR. FEINSTEIN),**

**ONE ABSTENTION (MR. BROWN)****CORRECTIVE METERING ACTIONS AT R.T. VANDERBILT CO.**  
**- WITH ATTACHMENTS**

Mr. Coggin stated that there were two issues for discussion, the metering and the coding, he wanted to know which would be discussed during executive session. Attorney Dennin stated that the metering would be discussed during executive session and the coding in the public session.

Mr. Feinstein suggested that the item be tabled. Mr. Brown disagreed, as he wanted to resolve the item.

Mr. Brown stated that when the meter readers were at Vanderbilt they noticed an item called a multiplier and on opening the door found unsafe conditions inside. The consulting engineer, Joseph Cristino, was sent out who reported what was wrong and how it could be made safe. A padlock was put on the door to the electrical room. Mr. Brown referred to the information included in the packet, an email from Mr. Cristino and a spreadsheet of his two alternatives. Alternative one is how to get the job done in the fastest and least expensive way, alternative two is how to get the job done and make it perfect.

Mr. Feinstein stated that during last month's meeting Mr. Coggin would get some alternatives bids. Mr. Coggin corrected Mr. Feinstein and said that he would try to get a second opinion from a PE; he stated that he had made a number of phone calls, however he was unable to get a second opinion. Mr. Coggin stated that he had spoken with Mr. Cristino and he had stated that something needed to be done immediately. Mr. Coggin suggested that they recommend alternative number one and have the work done and not let the situation drag on any longer.

**\*\* MR. COGGIN MOVED TO APPROVE THE RECOMMENDATIONS FROM JOE CRISTINO, SPECIFICALLY ALTERNATIVE NUMBER ONE FOR \$13,000. ALSO TO CONTACT VANDERBILT TO REQUEST THAT THEY IMPROVE THE VENTILATION OF THE ROOM AT THEIR EXPENSE.**

**\*\* MR. BROWN SECONDED.**

Mr. Feinstein stated that the only people at danger are Mr. Cristino and Mr. Lyons as they are the only people who have to go into the room. They are highly trained and professional people. He appreciated that there may be an element of danger but \$13000 seemed like a lot of money.

Mr. Coggin stated that the room that requires the work contains three large transformers and if they were to catch on fire then the whole building would be destroyed putting many, many people at risk.

There was discussion on both alternatives, the nature of the transformers and what would be removed and replaced.

**\*\* MOTION PASSED TWO VOTES IN FAVOR, (MR. BROWN, MR. COGGIN), ONE VOTE OPPOSED, (MR. FEINSTEIN)**

### **EXECUTIVE SESSION**

**\*\* MR. FEINSTEIN MADE A MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS A) TIM LYONS/JOE CHARIOTT GRIEVANCE AND B) R.T.VANDERBILT MATTER – WITH ATTACHMENTS.**

**\*\* MR. COGGIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

The Commissioners went into Executive Session at 8:25 p.m. and reconvened into Public Session at 9:55 p.m.

### **VOTE UPON ANY ITEMS DISCUSSED IN EXECUTIVE SESSION, IF SUCH ACTION IS APPROPRIATE**

No action was taken on the R.T. Vanderbilt matter.

No action was taken on the Tim Lyons/Joe Chariott grievance because the parties agreed at this Step 2 Hearing to waive the time limits for the Commission to file a formal written response to the grievance to give the parties an opportunity to informally resolve the matter.

### **ADJOURNMENT**

**\*\* MR. FEINSTEIN MOVED TO ADJOURN.**

**\*\* MR. COGGIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 10 p.m.

Respectfully submitted,

Kate Kye  
Telesco Secretarial Services

